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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,798	04/23/1999	YU-CHEUN JOU	QCPA990343	2454

23696 7590 10/01/2002

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EXAMINER

ODLAND, DAVID E

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/298,798

Applicant(s)

JOU, YU-CHEUN

Examiner

David Odland

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Response to Amendment

1. Amendments to the claims are acknowledged and the 35 USC 112, second paragraph, rejections are withdrawn.

Claim Objections

2. Claims 1 and 9 are objected to because of the following informalities:

Claim 1 recites "...said predetermined set of; and at least..." in lines 5 and 6. It appears as though the term 'frequencies' should be placed between the word 'of' and the semi colon ';':

Claim 9 recites 'single band mode' in lines 2 and 5 and 'single band system' in line 4. It appears, based on the terminology used in the specification (specifically figure 3) or even for the sake of clarity, as though the claim should recite 'single carrier mode' rather than 'single band mode' and 'single carrier signal' rather than 'single band system'.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "...a sync channel message on a single carrier frequency..." in lines 4 and 5. Since the preamble recites of two separate groups of frequencies, namely, 'a

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predetermined set of frequencies' and 'a plurality of frequency bands', it is unclear which of these groups the 'single carrier frequency' belongs to.

Claims 2-7 are rejected because they depend on claim 1.

Claim Rejections - 35 USC § 102

4. Claims 1 and 3, as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Katsuragawa.

Referring to claim 1, Katsuragawa discloses a multi-carrier base station operating within a predetermined set of frequencies wherein data components of forward link data are transmitted simultaneously on a plurality of frequency bands (a system comprising a base station operating within a set of frequencies where forward link components are transmitted on a plurality of frequency bands (see Fig. 1 and column 4 lines 29-36)), where in the base station comprises a first transmission subsystem for transmitting a sync channel message on a single carrier frequency of a set of frequencies of said multi-carrier system and at least one additional transmission subsystem for transmitting remaining components of the forward link data (a transmission subsystem for the sync channel and additional transmission subsystems for the other components of the forward channel (see figure 1)).

Referring to claim 3, Katsuragawa discloses transmitting a sync channel message, which indicates the frequency of a single carrier system in the predetermined set of frequencies (the sync channel message is transmitted over a single carrier within a CDMA system (see figure 1 and column 4 lines 29-33)).

Allowable Subject Matter

5. Claims 8, 10 and 11 are allowed

Claims 2-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 9 would be allowable if rewritten to overcome the objection set forth in this Office action.

Response to Arguments

6. Applicant's arguments filed on 7/2/02 have been fully considered but they are not persuasive.

On page 13 of the arguments the applicant states that Fig. 1 of Katsuragawa shows multiple channels but not multiple subsystems. The examiner disagrees. Fig. 1 indeed discloses multiple subsystems. For example, the figure discloses a subsystem for transmitting the Sync Channel bits to the Walsh Function 32 generator, which is used to orthogonally spread the sync channel data (see corresponding elements of fig 1 and column 4 lines 16-37) and the figure also discloses another subsystem for transmitting the Traffic Channel bits to the Walsh Function N generator, which is used to orthogonally spread the traffic channel data.

Furthermore, the applicant also argues that Katsuragawa does not disclose transmitting the sync message on a single carrier frequency of a *predetermined set of frequencies*. The examiner disagrees. In a broad interpretation, a 'predetermined set' may consist of only one frequency. In the system of Katsuragawa, the Sync Channel data is transmitted using a CDMA protocol, which aligns to the IS-95 standard (see column 1 lines 20-22 and 47-49) and therefore transmits the signal on a single-carrier which operates at a particular predetermined frequency. Note, inherently before any data is transmitted a determination is made as to which frequency it

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will be transmitted at and therefore the frequency at which the Sync Channel data is transmitted, in the system of Katsuragawa, is predetermined.

It is noted, that the specification discloses that the sync message is transmitted at one frequency, of a predetermined set of frequencies, and the remaining portions of the forward link data are sent at another frequency, of the predetermined set of frequencies, but as presently written claim 1 does not recite this configuration.

In light of the preceding arguments the examiner's 35 USC 102(e) rejection, of claims 1 and 3, as set forth in the previous Office action, is withstanding.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 6246673 to Tiedemann Jr. et al.

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- b. U.S. Patent Number 6438173 to Stantchev et al.
- c. U.S. Patent Number 6341140 to Lee.
- d. U.S. Patent Number 5802044 to Baum et al.
- e. U.S. Patent Number 6456611 to Hu et al.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland, who can be reached at (703) 305-3231 on Monday – Friday during the hours of 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, who can be reached at (703) 305-4750.

deo

September 31, 2002


HASSAN KIZOU
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